ABORIGINAL COMMUNITIES/ MINERAL COMPANIES/ GOVERNMENTS WORKING TOGETHER:

A SUMMARY OF SOCIO-ECONOMIC AGREEMENTS

IT CAN BE DONE

Sub-committee of the Intergovernmental
Working Group on the Mineral Industry

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1. INTRODUCTION

The following document is a consolidation of existing socio-economic agreements from various off-reserve[1] resource industries. It was designed to inform participants in natural resource development of the various methods available for the development of benefits agreements. It is intended to be a guide only.

The socio-economic agreement, which can be negotiated between the company, various levels of government and the community, attempts to enhance the economic climate of the local community by encouraging its participation in the resource development. It provides opportunities to local business and residents for employment and training, business development and contracting services. The agreement also promotes growth and development of the local community[2] through education, counselling and maintenance of traditional culture and lifestyles.

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[1] It should be noted that only off-reserve agreements were consulted. Resource development on Indian reserves is subject to different resource legislation and regulation.

[2] The term "local community" was chosen to represent the population base nearest to the mine site. It is most relevant to, but not restricted to, residents of Canada's north and Native Canadians.

2. INTENT

The intent of the socio-economic agreement is to develop a framework that will facilitate efficient and effective use of resources by Canada, the province, the company and local residents in an effort to achieve a mutually beneficial social and economic benefits agreement. The intent clause can also include the justification of the proponents for the establishment of a socio-economic agreement.

3. EMPLOYMENT AND TRAINING

The employment of the local residents by the resource developer is, perhaps, the most direct economic benefit for both parties. The company is supplied with an immediate labour force, and the community is provided with a variety of employment opportunities. The establishment of employment and training programs and other special employment provisions further enhances the availability of local residents to the resource developer. Provisions for employment and training were found in all of the agreements researched.

3. EMPLOYMENT AND TRAINING

3.1 Recruitment

The company can develop a policy for the recruitment of employment candidates which gives priority to the local residents of the community. Recruiting from the area can be facilitated, where practicable, through local Canadian Employment and Immigration (CEIC) recruitment offices, community visits and public notices. Recruitment outside the local area may proceed after a local search, exploring the rest of the home territory/province, neighbouring territories/provinces, Canada and foreign countries.

The company can develop a policy to ensure that best efforts will be made to acquire a minimum percentage of the overall workforce from the local community. The company can ensure that the number of local residents employed will be limited only by the capacity of the labour force itself. For example, one company wanted to have a labour force consisting of 20% northern residents, while another company established a policy to hire 50% Inuit and 50% non-Inuit employees.

3. EMPLOYMENT AND TRAINING

3.2 Training and Development

The company can develop a policy to ensure it will use best and reasonable efforts to develop and implement training programs to advance the skills and education of its employees.

The company can establish pre-operational and operational training programs for local residents who meet established educational, training and employment standards specific to the positions available and/or applied for.

The company can develop and implement on-the-job educational upgrading, technical training and apprenticeship programs for local residents, based on projected labour requirements.

The company can work with recognized educational institutions operating in the local region to design programs to meet employment requirements of the company and other regional employers.

The company can ensure that education and training will not be limited to facilitate employment solely within the company or its contractors.

3. EMPLOYMENT AND TRAINING

The company can ensure that employee training and development is in accordance with the requirements of the territorial/provincial apprenticeship and trades programs, and will be credited towards certification or status recognized within the territory/province. Details of employment should be recorded with the territorial/provincial Department of Education in accordance with apprenticeship and tradesperson education programs.

The company can negotiate with the territorial/provincial Department of Education to procure its assistance in the design and delivery of the company's training programs. The Department of Education can make available curriculum development and instructional material resources.

These programs are usually developed with the cooperation and assistance of the territory/province's Department of Education and other northern and Aboriginal employment programs.

3. EMPLOYMENT AND TRAINING

3.3 Other Employment Provisions

3.3.1 Committee on Employment Opportunities

The company can ensure effective management of human resource policies by developing a committee on employment opportunities. The committee would be composed of representatives from each party interested or affected by the resource development: the company, local residents, government, union etc. The committee would be responsible for:

- implementing and monitoring employment policies. The committee would conduct recruitment in local communities and would promote the employment opportunities for local residents.

- ensuring that employment opportunities were made available firstly to local residents, and would coordinate personnel searches in other areas.

- assisting in the development and implementation of training programs in response to labour requirements, and would monitor education, training and other employment benefits.

- identifying and negotiating sources of government financial support for training programs and initiatives.

3.3.2 Aboriginal Employment Coordinator/Liaison Officer

The company can employ a local Aboriginal person to be available as a resource in support of its Aboriginal programs and as a liaison to senior management. This position would include responsibilities of recruiting from local communities, assistance in training, counselling to employed Aboriginal persons and consultation in development of Aboriginal employment policies.

3.3.3 Relocation Assistance

The company can provide relocation assistance and job support services for persons who move their immediate families and effects into the local community for the purpose of employment at the resource development.

3.3.4 Work Rotations

The company, with the consent of affected employees, can implement work rotations schedules which allow for the practice of traditional pursuits.

3. EMPLOYMENT AND TRAINING

The company which requires the fly-in/fly-out of labour can implement work rotation schedules which minimize the negative effects of the separation of families. For example, one company with a 10 weeks on/2 weeks off rotation developed a 6 weeks on/4 weeks off rotation for Inuit employees.

3.3.5 Discipline

The company can ensure prompt disciplinary action will be taken against supervisors or forepersons who exhibit discriminatory attitudes or behaviour towards Aboriginal persons.

3.3.6 Transportation

The company which requires the fly-in/fly-out of labour can provide its employees with air travel costs or air transportation between designated communities and the resource development. For employees from areas other than the designated communities, the company can provide free or subsidized air travel costs or arrange for other modes of transportation.

3. EMPLOYMENT AND TRAINING

3.3.7 Scholarship Program

The company can promote further education by developing a higher education program. Scholarships for post-secondary education can be provided to children of employees and/or to local residents who meet the required qualifications to attend a recognized educational institute. The scholarship can be specifically for education in a resource development field, for technical training or for other purposes.

3.3.8 Youth Awareness Program

The company can provide opportunities for local youths to prepare for their careers by participating in various pre-employment activities. The company can help develop leadership capabilities, expand the knowledge of career opportunities and provide meaningful work experience for local youths.

3.3.9 Counselling

The company can provide employee development services through career, personal, financial and other types of counselling.

3.3.10 English, French and Aboriginal Languages

The territorial/provincial Minister of Education can make reasonable efforts to provide industrial English or French training to aid in the effective transfer of skills on the job.

The company, where practicable, can publish information on company activities in English and in the local Aboriginal language (ie. Inuktitut). The company can also provide for a translator at all company-community meetings.

The company, where practicable, can develop training curricula and verbal instruction in the local Aboriginal language.

3.3.11 Cross-Cultural Training

The company can provide cross-cultural orientation and training to supervisory, managerial and other personnel for the purpose of increasing awareness of the cultural, economic and social circumstances of local residents and local Aboriginal persons. Conversely, orientation to aspects of the mine operation & non-Aboriginal employees' lifestyles may be beneficial for Aboriginal employees.

3. EMPLOYMENT AND TRAINING

3.3.12 Traditional Economic Activities

The company can recognize the importance of traditional economic activities of local residents and local Aboriginal persons. The company can make best efforts to accommodate personnel wishing to pursue hunting, fishing, trapping and ricing activities with special work rotation schedules. The company can assist employees who wish to maintain training for employment with the resource development while pursuing traditional harvesting.

The company can provide resources for impact studies into past and present levels of traditional harvesting to identify constraints and opportunities for employees and the company itself. The company can use the impact studies to develop criteria for establishing whether a negative impact has occurred as a direct result of the resource development.

The company can agree to compensate local residents and local Aboriginal people for loss of beneficial uses of traditional resources harvesting and related activities that are directly caused by the resource development and its related activities.

4. ECONOMIC DEVELOPMENT AND BUSINESS OPPORTUNITIES

Any resource development project will change the economic structure of the area, stimulating the local economy and providing for new business and employment opportunities. Local government and the community can benefit from careful planning and implementation of economic development programs. The company can assist with economic development programs by providing information and developing policies which promote the use of local community supplies and services.

4.1 Business Opportunities

The company, in cooperation with local residents and local business, can design policies and implement programs to optimize the participation of local business in all phases of the resource development.

The company can ensure that priority will be given to utilize local business services where price, delivery capability and quality are competitive.

The company can assist local business by providing information regarding requirements for supplies and services to local Chambers of Commerce and other business organizations, and to individual requests.

4. ECONOMIC DEVELOPMENT AND BUSINESS OPPORTUNITIES

4.2 Committee for Economic and Business Development

The company can develop a committee responsible for the effective management of economic and business development in the local community. The committee would be composed of representatives from each party interested or affected by the resource development; the company, local residents, government, union etc. The committee would be responsible for implementing and monitoring economic development policies, ensure benefits arising from business opportunities from the resource development accrue firstly to local residents and local business, and assisting the company with obtaining required goods and services in an efficient and cost-effective manner.

4.3 Other Economic and Business Provisions

4.3.1 Bid Tenders

The company can organize a series of workshops in the local community to ensure that local businesses are aware of the company's tendering process.

4. ECONOMIC DEVELOPMENT AND BUSINESS OPPORTUNITIES

The company can consider, where feasible and practicable,

- providing contracts to local businesses without proceeding through the tender process
- providing first opportunity for local business to meet the company's price and service requirements
- having closed or invitation-only bidding.

The company can waive tender deposits for local businesses.

4.3.2 Special Allowances

The company can provide, where feasible and practicable, fragmentation of contracts or purchase packages.

The company can assist in financing, dependent upon a viable business proposition from a local resident, for the purchase of special equipment to aid new local businesses who wish to participate in the resource development.

The company can waive bonding requirements for local businesses.

4. ECONOMIC DEVELOPMENT AND BUSINESS OPPORTUNITIES

The company can provide 'Letters of Intent' with local business and contractors for facilitate easier access to financing.

5. SOCIAL, CULTURAL AND COMMUNITY SUPPORT

Due to the nature of resource development projects, it is often in the best interest of all parties if efforts are made by the company, with the cooperation and assistance of the local community, to develop social, cultural and community support programs. These programs facilitate better understanding and communication between the parties and provide for a healthy community atmosphere.

5.1 Committee on Community Support

The company can establish a committee for the purpose of coordinating the efforts of the company, the community and government services in the area of social, cultural and community support. The committee would be responsible for developing and implementing policies concerning community development, identifying needs and negotiating

financing of community-based projects and facilitating communication between the resource development and the local community.

5.2 Other Community Provisions

5.2.1 Communication

The company can prepare and distribute a monthly report or newsletter to keep local residents and local business informed on progress, employment activities and special developments.

The company can meet with local resident representatives on a periodic basis to obtain input and views on the impact of company policies and operations on the local community.

The company can ensure that all information disseminated to the public is available in English and/or French, and the local Aboriginal language.

5. SOCIAL, CULTURAL AND COMMUNITY SUPPORT

5.2.2 Environmental Protection

The company can conduct orientation programs to assist the community in increasing awareness of the environment, and to increase awareness as to the potential for damage to the environment.

The company can ensure the protection of archaeological or heritage sites.

The company, in conjunction with government, can establish consultation regarding applications for licences and permits related to resource development activities in the local community.

The company is required to comply with all federal and territorial/provincial environmental requirements. The company can implement monitoring and enforcing programs for environmental compliance. The company can utilize local residents to participate in ensuring adherence to environmental policies.

The company can consider the environmental impact of projects initiated related to resource development. The company can ensure adherence to territorial/provincial and federal environmental assessment agency policies.

5. SOCIAL, CULTURAL AND COMMUNITY SUPPORT

The company can acknowledge the existence of special wildlife in the local region and the potential disruption of traditional migrations of wildlife. The company can ensure precautions will be taken to minimize the disruption to wildlife habitat.

6. IMPLEMENTATION AND COORDINATION

6.1 Coordinating Management Committee

The company, in conjunction with the territorial/ provincial government, can establish a committee to monitor the implementation of programs and adherence to the agreement policies. The committee will provide socio-economic, environmental, and other information to interested parties. The committee will act as a vehicle for the resolution of differences which may arise between the parties of the agreement.

6. IMPLEMENTATION AND COORDINATION

6.2 Liaison Officer

The company can appoint a liaison officer who is responsible to act as a resource person between the community, the company and the various committees. The liaison officer would be responsible for the overall implementation and management of the agreement's policies and programs.

6.3 Evaluation of Agreement

The representatives of the parties to the agreement can periodically evaluate the effectiveness and adherence to the agreement. Amendments or changes to the provisions of the initial agreement should be made only with the unanimous consent of all the parties.

Representatives of the parties to the agreement can ensure an independent review and evaluation on the performance of policies and programs of the agreement.

6. IMPLEMENTATION AND COORDINATION

6.4 Duration of Agreement

The agreement shall commence on the effective date and shall continue for a period of "X" months/years. Extension or termination of the agreement can occur only with the unanimous consent of the parties. Projects planned or implemented under the agreement cannot extend beyond the termination date unless unanimously consented to by the parties.

7. FUNDING

Agreements can be negotiated with federal and territorial/provincial agencies for financial assistance for specific initiatives. Assistance can be procured from existing programs but are limited by the availability of funds. The company should be providing the largest share of the funding for the provisions of the agreement.

8. OTHER ISSUES

8.1 Aboriginal, Treaty and Constitutional Rights

The company can ensure that nothing in the agreement will be construed as affecting the existing rights, privileges or freedoms of Aboriginal persons regardless of whether such rights, privileges and freedoms are recognized, established and defined before or after the execution of the agreement.

8.2 Collective Agreements

In the event that the company enters into a collective agreement with a union or joint council representative of all or any of the employees of the company, and that the collective agreement contains terms and conditions which conflict with the terms and conditions of the socio-economic agreement, the company's obligations to perform the terms of the collective agreement prevail. The company can undertake best efforts to ensure that the collective agreement does not eliminate, reduce or otherwise interfere with obligations under the terms of the socio-economic agreement.

9. PROVINCIAL SPECIFICATIONS